

**Appl. No.** : **09/560,722**  
**Filed** : **April 28, 2000**

### **REMARKS**

The foregoing amendments and the following remarks are responsive to the March 24, 2004 Office Action. Claims 2-7, 11-13, 16, and 17 remain as originally filed, Claims 1, 8-10, 14, 15, 18, and 19 are amended, and new Claims 20 and 21 are added. Thus, Claims 1-21 are presented for further consideration. Please enter the amendments and reconsider the claims in view of the following remarks.

#### **Comments on Personal Interview Conducted May 10, 2004**

Applicants thank Examiner Tran for extending the courtesy of conducting a personal interview with Applicants' representatives, Bruce S. Itchkawitz and Jerry T. Sewell on May 10, 2004. During the personal interview, proposed amendments to Claims 1-19 and proposed new Claims 20-21 were discussed in light of the cited Sato et al. (U.S. Patent No. 5,991,832) prior art reference.

Agreement was reached between Examiner Tran and Applicants' representatives that amending Claim 1 to include the limitation of a video data management system that "receives at least a portion of a previously recorded video data stream ... while continuing to record the external video data stream for the video program segment" and amending Claim 15 to include the limitation of "receiving at least a portion of a previously recorded video data stream ... while continuing to record the external video data stream for the video program segment" would overcome the pending rejections based on the Sato et al. reference. The amendments and remarks herein are in accordance with the discussion during the personal interview.

#### **Response to Rejection of Claims 1, 5-6, 8-11, and 15 Under 35 U.S.C. § 103(a)**

In the March 24, 2004 Office Action, the Examiner rejects Claims 1, 5-6, 8-11, and 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,991,832 issued to Sato et al. ("Sato").

As described above, Applicants have amended Claims 1 and 15. Applicants have also amended Claims 1, 8-10, and 15 to more clearly recite the claimed invention. Each of Claims 5 and 8-11 depend from amended Claim 1, and Claim 6 depends from Claim 5. Therefore, each of Claims 5-6 and 8-11 include all the limitations of amended Claim 1, as well as other limitations of particular utility.

Applicants submit that amended Claims 1 and 15 are patentably distinguished over the prior art. Applicants further submit that Claims 5-6 and 8-11 are also each patentably

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distinguished over the prior art. Applicants respectfully request that the Examiner withdraw the rejection of Claims 1, 5-6, 8-11, and 15 and pass these claims to allowance.

**Response to Rejection of Claims 2-3, 12-13, and 16-17 Under 35 U.S.C. § 103(a)**

In the March 24, 2004 Office Action, the Examiner rejects Claims 2-3, 12-13, and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of U.S. Patent No. 5,990,927 issued to Hendricks et al. ("Hendricks"). The Examiner states that Sato discloses all the claim limitations of Claims 2-3, 12-13, and 16-17, except for a set-top box. The Examiner further states that Hendricks discloses a set-top box as recited by these claims.

As discussed above, Applicants have amended Claims 1 and 15 to include limitations not taught or suggested by Sato. Applicants submit that these limitations are also not taught or suggested by Hendricks. Therefore, amended Claims 1 and 15 are patentably distinguished over Sato in view of Hendricks.

Each of Claims 2, 12, and 13 depends from amended Claim 1, and Claim 3 depends from Claim 2. Each of Claims 16 and 17 depends from amended Claim 15. Therefore, each of Claims 2, 3, 12, and 13 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. In addition, each of Claims 16 and 17 includes all the limitations of amended Claim 15, as well as other limitations of particular utility. Applicants submit that Claims 2, 3, 12, 13, 16, and 17 are each patentably distinguished over Sato in view of Hendricks. Applicants respectfully request that the Examiner withdraw the rejection of Claims 2, 3, 12, 13, 16, and 17 and pass these claims to allowance.

**Response to Rejection of Claim 7 Under 35 U.S.C. § 103(a)**

In the March 24, 2004 Office Action, the Examiner rejects Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of U.S. Patent No. 6,016,507 issued to Carroll et al. ("Carroll").

As discussed above, Applicants have amended Claims 1 and 15 to include limitations not taught or suggested by Sato. Applicants submit that these limitations are also not taught or suggested by Carroll. Therefore, amended Claims 1 and 15 are patentably distinguished over Sato in view of Carroll.

Claim 7 depends from Claim 6, which depends from Claim 5, which depends from amended Claim 1. Therefore, Claim 7 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicants submit that Claim 7 is patentably

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distinguished over Sato in view of Carroll. Applicants respectfully request that the Examiner withdraw the rejection of Claim 7 and pass Claim 7 to allowance.

**Response to Rejection of Claim 4 Under 35 U.S.C. § 103(a)**

In the March 24, 2004 Office Action, the Examiner rejects Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of Hendricks and further in view of Carroll.

As discussed above, Applicants have amended Claims 1 and 15 to include limitations not taught or suggested by Sato, Hendricks, or Carroll. Therefore, amended Claims 1 and 15 are patentably distinguished over Sato in view of Hendricks and in further view of Carroll.

Claim 4 depends from Claim 3, which depends from Claim 2, which depends from amended Claim 1. Therefore, Claim 4 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. Applicants submit that Claim 4 is patentably distinguished over Sato in view of Hendricks and in further view of Carroll. Applicants respectfully request that the Examiner withdraw the rejection of Claim 4 and pass Claim 4 to allowance.

**Response to Rejection of Claim 14 and 18 Under 35 U.S.C. § 103(a)**

In the March 24, 2004 Office Action, the Examiner rejects Claims 14 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of U.S. Patent No. 5,815,631 issued to Sugiyama et al. ("Sugiyama").

As discussed above, Applicants have amended Claims 1 and 15 to include limitations not taught or suggested by Sato. Applicants submit that these limitations are also not taught or suggested by Sugiyama. Therefore, amended Claims 1 and 15 are patentably distinguished over Sato in view of Sugiyama.

As described herein, Applicants have amended Claims 14 and 18 to more clearly recite the claimed invention. Claim 14 depends from amended Claim 1 and Claim 18 depends from amended Claim 15. Therefore, Claim 14 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. In addition, Claim 18 includes all the limitations of amended Claim 15, as well as other limitations of particular utility. Applicants submit that Claims 14 and 18 are each patentably distinguished over Sato in view of Sugiyama. Applicants respectfully request that the Examiner withdraw the rejection of Claims 14 and 18 and pass these claims to allowance.

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**Response to Rejection of Claim 14 and 18 Under 35 U.S.C. § 103(a)**

In the March 24, 2004 Office Action, the Examiner rejects Claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of Sugiyama and further in view of German Patent No. DE 3106125A1 issued to Wieland ("Wieland").

As discussed above, Applicants have amended Claims 1 and 15 to include limitations not taught or suggested by Sato. Applicants submit that these limitations are also not taught or suggested by Sugiyama or by Wieland. Therefore, amended Claims 1 and 15 are patentably distinguished over Sato in view of Sugiyama in further view of Wieland.

As described herein, Applicants have amended Claim 19 to more clearly recite the claimed invention. Claim 19 depends from Claim 18, and Claim 18 depends from amended Claim 15. Therefore, Claim 19 includes all the limitations of amended Claim 15, as well as other limitations of particular utility. Applicants submit that Claim 19 is patentably distinguished over Sato in view of Sugiyama in further view of Wieland. Applicants respectfully request that the Examiner withdraw the rejection of Claim 19 and pass Claim 19 to allowance.

**Comments on New Claims 20 and 21**

As described herein, Applicants have added new Claims 20 and 21. Claim 20 depends from amended Claim 1, so Claim 20 includes all the limitations of amended Claim 1, as well as other limitations of particular utility. Claim 21 depends from amended Claim 15, so Claim 21 includes all the limitations of amended Claim 15, as well as other limitations of particular utility. As discussed above, amended Claims 1 and 15 are each patentably distinguished over the prior art. Therefore, Applicants submit that new Claims 20 and 21 are also each patentably distinguished over the prior art. Applicants respectfully request the Examiner to pass Claims 20 and 21 to allowance.

**Summary**

For the foregoing reasons, Applicants submit that Claims 1-21 are in condition for allowance, and Applicants respectfully request such action.

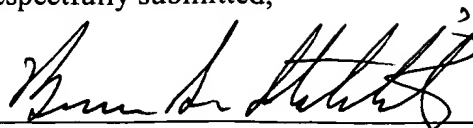
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Respectfully submitted,

Dated: \_\_\_\_\_

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By: \_\_\_\_\_



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